

act of dispensing was contrary to Section 503 (b) (1), and resulted in the drugs being misbranded while held for sale.

DISPOSITION: May 13, 1953. The defendant having entered a plea of guilty, the court fined him \$200.

### DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

4110. Misbranding of amphetamine sulfate tablets. U. S. v. Samuel Swartz (Sam's Cut Rate Drugs), and Chester J. Marciniak and Ralph E. Pickard. Pleas of nolo contendere. Fine of \$75 against each defendant; fines against Defendants Marciniak and Pickard suspended. (F. D. C. No. 34813. Sample Nos. 12082-L, 12724-L, 12730-L.)

INFORMATION FILED: April 23, 1953, Northern District of Ohio, against Samuel Swartz, trading as Sam's Cut Rate Drugs, Toledo, Ohio, and Ralph E. Pickard, manager, and Chester J. Marciniak, a pharmacist.

ALLEGED VIOLATION: On or about March 12, 13, and 19, 1952, while a number of *amphetamine sulfate tablets* were being held for sale at Sam's Cut Rate Drugs, after shipment in interstate commerce, the defendants caused various quantities of the tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1) and (2), the repackaged tablets failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (2), the repackaged tablets were fabricated from two or more ingredients, and their label failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (1), the labeling of the repackaged tablets failed to bear adequate directions for use.

DISPOSITION: April 23, 1953. Pleas of nolo contendere having been entered, the court fined each defendant \$75, but suspended the fines against Defendants Marciniak and Pickard.

4111. Misbranding of dextro-amphetamine sulfate tablets and Seconal Sodium capsules. U. S. v. College Avenue Pharmacy and J. Homer Thompson and Hoyt A. Thompson. Pleas of nolo contendere. Fine of \$150 against each defendant. Individual defendants also placed on probation for 2 years. (F. D. C. No. 34310. Sample Nos. 757-L, 1741-L, 1746-L, 1754-L, 1758-L, 1759-L, 2002-L.)

INFORMATION FILED: March 27, 1953, Northern District of Georgia, against the College Avenue Pharmacy, a partnership, Decatur, Ga., and J. Homer Thompson and Hoyt A. Thompson, partners in the partnership.

ALLEGED VIOLATION: On or about November 18 and December 9, 13, and 24, 1951, and January 7, 8, and 14, 1952, while a number of *dextro-amphetamine sulfate tablets* and *Seconal Sodium capsules* were being held for sale at the College Avenue Pharmacy, after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.